UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/96
20 March 1995

ORIGINAL: ENGLISH

Fiftieth session
Item 114 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS
SITUATIONS AND REPORTS OF SPECIAL
RAPPORTEURS AND REPRESENTATIVES

Letter dated 20 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the aide-mémoire of the Government of the Federal Republic of Yugoslavia on political manipulations by the Albanian national minority in the Federal Republic of Yugoslavia in the abuse of the provisions of international law by Albanian secessionists in Kosovo and Metohija.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under item 114 (c) of the provisional list.

(Signed) Dragomir DJOKIC
Ambassador
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Annex

The Government of the Federal Republic of Yugoslavia wishes to point out that there exists no so-called Albanian question in the Federal Republic of Yugoslavia, i.e. Republic of Serbia, in the sense of the violation of the rights of the members of the Albanian national minority. The exceptional cases of the alleged limitations of the human rights and freedoms of individual members of the Albanian national minority in Kosovo and Metohija are the exclusive consequence of the endangering of the constitutional order of the country and the breach of public peace and order through decades-long aggressive activities of the separatist movement in this autonomous province. It is the legitimate right of each State to protect its territorial integrity and sovereignty by all available legal means.

I

A portion of the members of the Albanian national minority in the province of Kosovo and Metohija refuse loyalty to the State in which they live, declining, under the pressure of the separatist leadership, to exercise the basic democratic rights and privileges of the territorial and cultural autonomy guaranteed to the province by the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia. This behaviour is an unprecedented example of the abuse of minority rights as a function of the secession of Kosovo and Metohija from Serbia and Yugoslavia.

On instructions of the leaders of separatist political parties, the members of the Albanian national minority in Kosovo and Metohija have boycotted all multiparty elections at the federal (twice), republican (three times), provincial and municipal levels since 1990. By boycotting the elections, they wilfully forfeited the possibility to participate in the process of democratic decision-making in legal State institutions and, by extension, the possibility to solve, through their elected representatives and within the existing system, the questions from the area of the exercise of the minority rights belonging to them under the internal law of the Federal Republic of Yugoslavia and international instruments. On the other hand, they use every opportunity (world media, United Nations) to misrepresent themselves as victims who have had these rights wantonly withheld by State authorities.

In 1991, the Albanian separatists organized an illegal referendum, whereafter they proclaimed the so-called "Republic of Kosovo" and established an illegal parliament and a Government in exile. Similarly, in 1992 they held illegal elections for the President of the so-called "Republic of Kosovo" and "elected" the secessionist leader Ibrahim Rugova.

Along the lines of this policy was also the boycott of the 1991 census by the members of the Albanian national minority. By boycotting this civic and civilizational obligation, they created numerous problems in the implementation of the plans for the realization of economic development, employment, education or medical protection.

Such behaviour of part of the members of the Albanian national minority under the pressure of the separatist leadership is aimed at demonstrating their refusal to recognize the State whose citizens they are and constitutes a gross violation of provision 37 of the final document of the second meeting of the Conference on Security and Cooperation in Europe (CSCE), Conference on the Human Dimension (Copenhagen, 1990), as well as of paragraph 9 of its preamble and of articles 20 and 21 of the Frame Convention of the Council of Europe for the Protection of National Minorities. The said provisions do not allow national minorities to engage in any activity or acts contrary to the goals and principles of the Charter of the United Nations, other obligations under international law or provisions of the CSCE Final Act and, in particular, to the principle of the territorial integrity of States in which the minorities live. In particular, they are obligated as members of national minorities to honour the constitutions and laws of the countries in which they live.

II

The members of the Albanian national minority boycott the educational system in State schools from the elementary to the university level in which the education is in their mother tongue. Exclusively for political reasons, they refuse to accept the uniform educational system existing in the territory of the Republic of Serbia, the programmes and curricula adopted by competent State organs and the uniform system of school certificates and diplomas.

Simultaneously, they have organized an illegal education under conditions and in a manner which is not in accordance with Yugoslav laws and international regulations. Pupils and students study according to illegal programmes, criteria and textbooks and are issued diplomas that neither are nor can be recognized. This education leads to the enslavement of the young members of the Albanian national minority by the dogmas of extreme nationalism and separatism, whereby they are being brainwashed that it is not possible for them to live with the members of Serbian and Montenegrin peoples and with the members of other national minorities and ethnic communities (Turks, Romanies, Croats and others). Through the politicized educational system, the separatist leadership carries out segregation and apartheid of the school population and teachers of its own people.

Such a policy and attitude on the part of the separatist leaders prevent the Albanian national minority from exercising the rights provided for by the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education and article 2 of the International Covenant on Economic, Social and Cultural Rights, which prohibit any discrimination based on race, colour, sex, language, religion, political or any other opinion, national or social origin, etc.

In accordance with the UNESCO Convention against Discrimination in Education, the Federal Republic of Yugoslavia, as a signatory party and for the purpose of preventing and eliminating discrimination in education, has ensured the members of the Albanian national minority the right to education in their mother tongue from kindergarten to university. However, the national minorities are also required to fulfil certain conditions for the realization of this obligation, such as respect for the State educational policy and State

sovereignty. The boycott of the educational system of the Republic of Serbia violates these conditions most flagrantly.

The goal of the said provisions on the rights of minorities, as pointed out in the International Covenant on Economic, Social and Cultural Rights, is to "promote understanding, tolerance and friendship among all nations and all racial, ethnic and religious groups." By refusing to accept the educational system of Serbia, the Albanian extremists are directly opposed to this goal.

The boycott of the educational system of Serbia, guaranteeing and ensuring the conditions for education in the Albanian language, prevents the implementation of article 4 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in 1992, providing in its paragraphs 3 and 4 for the obligation of States to organize tuition in their mother tongue for the members of the minorities living in their territories. In addition, article 4 spells out that members of national minorities should have adequate possibilities to acquire knowledge about society as a whole, i.e. about the State in which they live, whereas by way of a self-imposed boycott it is not possible to achieve this.

Political manipulation, i.e. the misuse of the education of children and young people for the realization of separatist goals, represents a flagrant abuse of pupils and students in violation of the provisions of article 10 (protection of children from racial, religious and other forms of discrimination) of the 1959 United Nations Declaration on the Rights of the Child as well as the provisions of article 12 (right to freedom of opinion), article 13 (right to freedom of expression) and article 15 (right to freedom of peaceful association) of the 1989 Convention on the Rights of the Child. These provisions protect children from abuse for political purposes.

The most drastic examples of abuse of the members of the Albanian national minority are placing of children in the front rows of separatist demonstrations, spreading rumour about alleged mass poisoning of Albanian children and the forcibly preventing the young generation from acquiring compulsory elementary education and other levels of education in their mother tongue for which Serbia and Yugoslavia have provided all necessary material, financial and personnel conditions.

Nevertheless, motivated by its great desire and readiness to eliminate all outstanding problems, including those that it is not responsible for, the Government of the Federal Republic of Yugoslavia tabled, in 1992 within the International Conference on the Former Yugoslavia, a proposal for the solution of the educational problem in Kosovo and Metohija, which consisted of the following:

(a) Reaching an agreement on maximum guarantees, preservation and development of the cultural identity of the members of the Albanian national minority in the Federal Republic of Yugoslavia;

(b) Reinstatement of all Albanian teachers (except a few who committed criminal acts);

(c) Recognition for Albanian students of the two school years they attended in the parallel and illegal educational system;

(d) Taking over the financing of all schools in the Albanian language by the Republic of Serbia;

(e) Education at all levels in the existing State school buildings;

(f) Recognition of the 1990 curricula of the Republic of Serbia.

This proposal was also internationally recognized as the three-member mission of the Committee on the Elimination of Racial Discrimination, which visited the Federal Republic of Yugoslavia at the end of 1993, proposed in its conclusions submitted to the Committee almost identical measures as a way for solving educational problems in Kosovo and Metohija.

Unfortunately, the separatist leadership rejected this constructive proposal and thereby prevented the solution of the problem.

III

In their propaganda statements, Albanian political separatist leaders in Kosovo and Metohija speak about alleged mass dismissals of the members of the Albanian national minority because of their ethnic origin. Such allegations are untrue.

A large number of Albanian workers have left enterprises and State institutions of their own will at the instruction of the very same political leaders, which constitutes a gross manipulation and abuse for political purposes of the constitutionally guaranteed right to work. The first goal of the wilful leaving of jobs was to paralyse the economy and the second to promote the political pronouncements that "Kosovo is not Serbia and that Albanians do not want to work in Serbian enterprises".

Despite the fact that Serbia and Yugoslavia have provided jobs and other conditions for the members of the Albanian national minority, such a "policy" prevents the implementation of article 23 of the 1948 Universal Declaration of Human Rights, article 6 of the 1966 International Covenant on Economic, Social and Cultural Rights and article 5 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, as well as documents of the International Labour Organization guaranteeing everyone the right to work without discrimination.

All this is part of the general political strategy of boycotting the political, economic, cultural and educational life of Serbia and Yugoslavia inspired by the Albanian secessionist leaders in Kosovo and Metohija.

IV

For the purpose of internationalizing the "problem of Kosovo and Metohija", the Albanian separatist leaders have over a protracted period of time brought pressure to bear on, and encouraged, the members of the Albanian national

minority to emigrate and seek asylum in the developed Western countries. Emigrés were instructed to seek asylum in their host countries under the pretext that they had been persecuted in the Federal Republic of Yugoslavia. In such a way, they abused the right to asylum, violating article 14 of the Universal Declaration of Human Rights and caused economic and other damage to host countries. Thus, the problem of a large number of false asylum seekers was created. Since host countries have established beyond any doubt that asylum was granted on the basis of false data, they are now trying to get rid of them.

V

For the purpose of creating an ethnically pure illegal "Republic of Kosovo", Albanian separatists used various violent methods in the post-war period to force the Serbian and Montenegrin population to leave Kosovo and Metohija. Serbs and Montenegrins who owned land, houses and other property were forced to leave their property under threat, blackmail, arson, harassment, destruction of Serbian cemeteries and cultural monuments, murders and other criminal acts. In such a way, Albanian secessionists violated mostly flagrantly not only the Constitution and laws of the Federal Republic of Yugoslavia but also articles 3 (guaranteed rights to life, freedom and safety) and 17 (right to property) of the Universal Declaration of Human Rights.

According to the available data, about 400,000 Serbs and Montenegrins left Kosovo and Metohija under pressure in the last 50 years, which constitutes a flagrant and protracted ethnic cleansing of this province.

VI

The reports of the International Narcotics Control Board, the International Criminal Police Organization (INTERPOL) and other specialized agencies dealing with the control of the illicit traffic in narcotic drugs contain abundant evidence that there exists an organized Albanian narco-mafia in Kosovo and Metohija which operates an east-west international narcotic drug traffic route.

The following examples are very illustrative.

Over 300 members of the Albanian national minority of the Federal Republic of Yugoslavia were arrested in Switzerland from 1991 to 1993. They sold there about 200 kilograms of heroin. The proceeds from the illegal trade were used for the purchase of arms in Switzerland to be further smuggled into Yugoslavia. Five members of the Albanian national minority were arrested in Italy on 24 March 1992 and 60 kilograms of heroin were seized from them. From 1992 to 1994, 14 members of the Albanian national minority were arrested in Italy alone and 103 kilograms of heroin were seized. On 21 July 1994, 25 kilograms of heroin were seized from one member of the Albanian national minority in Austria.

The Yugoslav police, in cooperation with the customs authorities, in 1992 seized from the members of the Albanian national minority 130 kilograms of narcotic drugs and, in 1993, 272 kilograms. In such a way, narcotic drug traffic routes were intercepted, traversing the Federal Republic of Yugoslavia from Turkey to Western Europe (and the United States) via Bulgaria and from

Turkey to Western Europe via Greece and the Former Yugoslavia Republic of Macedonia.

Besides national laws, these criminal activities of the Albanian narco-mafia also violate the 1961 United Nations Single Convention on Narcotic Drugs and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. International cooperation in the suppression of the illicit traffic in narcotic drugs, to which Yugoslavia made a significant contribution, has been seriously endangered by the imposition of sanctions and isolation of the Federal Republic of Yugoslavia and particularly by its inexplicable exclusion from the work of INTERPOL.

The Albanian narco-mafia uses the proceeds from these criminal activities to finance illegal purchases and shipments of arms to Kosovo and Metohija, for setting up and operating separatist organizations, illegal transfer of false asylum seekers from Kosovo and Metohija to the countries of Western Europe, as well as for other criminal activities in the country and abroad, with a view to creating political instability in this part of Serbia and Yugoslavia. Additional resources are gained by racketeering and through "voluntary contributions" for the phantom "Republic of Kosovo" from the members of the Albanian national minority living in the Federal Republic of Yugoslavia and abroad.

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The Federal Republic of Yugoslavia wishes to inform the international community that the policy of the Albanian secessionist leaders in Kosovo and Metohija, in addition to being a threat to its sovereignty and territorial integrity, constitutes also a violation of the key provisions of the relevant international documents and instruments of the United Nations, the Organization for Cooperation and Security in Europe (OSCE), the Council of Europe and others. Therefore, any support to such activities of Albanian secessionists in fact encourages the violation and abuse of important postulates of international law, which threatens peace and stability in the Balkans and Europe.